



## Legislation Details (With Text)

**File #:** 070075 **Version:** 0  
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**File created:** 4/17/2007 **In control:** FINANCE & PERSONNEL COMMITTEE  
**On agenda:** **Final action:** 5/8/2007  
**Effective date:**

**Title:** A charter ordinance relating to earnable compensation and creditable service relating to periods of absence for members of the employees' retirement system while performing military service.

**Sponsors:** THE CHAIR

**Indexes:** RETIREMENT BENEFITS, WAGES AND BENEFITS

**Attachments:** 1. City Atty. Cover Letter.pdf, 2. City Atty. Opinion.PDF, 3. ERS Letter.PDF, 4. Fiscal Note.PDF, 5. Notice Published on May 24, 2007.PDF

Date	Ver.	Action By	Action	Result	Tally
4/17/2007	0	COMMON COUNCIL	ASSIGNED TO		
4/26/2007	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
5/2/2007	0	FINANCE & PERSONNEL COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
5/8/2007	0	COMMON COUNCIL	PASSED	Pass	15:0
5/15/2007	0	MAYOR	SIGNED		
5/24/2007	0	CITY CLERK	PUBLISHED		

070075  
ORIGINAL

THE CHAIR

A charter ordinance relating to earnable compensation and creditable service relating to periods of absence for members of the employees' retirement system while performing military service.

36-02-12-a am

36-04-1-b am

This charter ordinance establishes the following in the case of a employee who is absent due to military service:

1. The earnable compensation for the employee would be the same as it would have been had the employee continued to work the full working time for the employee's position during the period of absence.
2. City, city agency and member contributions shall continue to be made during periods of absence as though the employee had continued to work the full working time for the employee's position during the time of such absence.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 36-02-12-a of the charter is amended to read:

### 36-02. Definitions.

12. EARNABLE COMPENSATION shall mean: a. The annual regular base salary that would be payable to a member if he or she worked the full normal working time for his or her position, provided, however, that where service is credited during periods of absences as provided in s. 36-04-1-b, the employee shall be considered to have an earnable compensation during such periods of absence equivalent to ~~[[his or her earnable compensation as of his or her last month of employment prior to the beginning of such absences]]~~>>the earnable compensation the employee would have had if the employee had continued to work the full working time for the employee's position during the period of absence<<. In cases where compensation includes maintenance, the board shall fix the value of that part of the compensation not payable in money. Policemen, excluding sergeant of police, detective lieutenant and ranks above same, retiring on a service retirement allowance on or after January 1, 1983, shall have longevity in rank pay, if any, payable at the close of the calendar year immediately preceding their retirement included as earnable compensation, except that policemen excluding sergeant of police, detective lieutenant and ranks above same, retiring on a service retirement allowance on or after January 1, 1998, who would have accrued 20 years of creditable service if they had remained in active service to the end of the calendar year in which they retire, shall have longevity in rank pay, if any, that would have been payable at the close of the calendar year of their retirement had they not retired included as earnable compensation, policemen of the rank of police sergeant and above (excluding the rank of commander and above) retiring on a service retirement allowance prior to January 1, 2000 shall have variable shift assignment pay, if any, to a maximum of \$1,410 per calendar year for police sergeant, administrative police sergeant, police sergeant (garage) and police identification supervisor, and \$1,400 per calendar year for all others payable for the calendar year immediately preceding the calendar year in which they retire included as earnable compensation except that such other policemen who retire during calendar year 1985 shall have variable shift assignment pay, if any, payable for calendar year 1985 included as earnable compensation. Policemen of the rank of police sergeant and above (excluding policemen of the rank of police commander and above) retiring on a service retirement on or after January 1, 2000 shall have variable shift assignment pay, if any, to a maximum of \$1,060 per calendar year for the ranks of police sergeant, police sergeant (garage) and police identification supervisor and \$1,050 per calendar year for all others payable for the calendar year immediately preceding the calendar year in which they retire included as earnable compensation. Policemen of the rank of police sergeant or administrative police sergeant retiring on a service retirement on or after January 1, 2003 shall have variable shift assignment pay, if any, to maximum of \$1,360 per calendar year included in the calculation of final average salary for computing an employee's normal service retirement allowance. Policemen of the rank of police commander or above retiring on a service retirement allowance prior to January 1, 2001 shall have variable shift assignment pay, if any, to a maximum of \$1,400 per calendar year for the year immediately prior to the calendar year in which they retire included as earnable compensation and policemen of the rank of police commander or above retiring on a service retirement on or after January 1, 2001 shall have variable shift assignment pay, if any, to a maximum of \$1,500 per calendar year for the year immediately prior to the calendar year in which they retire included as earnable compensation. Firemen retiring on a service retirement allowance on or after January 1, 1992, shall have up to a maximum of \$550 in special emergency medical technician pay, if any, payable at the close of the calendar year immediately preceding their retirement included as earnable compensation. Firemen retiring on a service retirement allowance on or after January 1, 2000, shall have longevity pay, payable at the close of the calendar year immediately preceding their retirement included as earnable compensation. Firemen represented by Local 215 IAFF and retiring on a service retirement allowance in 2004 shall have training standards pay, if any, up to a maximum of \$400, that would have been payable at the close of calendar year 2004 had they not retired, included as earnable compensation. Firemen represented by Local 215 IAFF and retiring on a service retirement allowance on or after January 1, 2005 shall have training standards pay, if any, up to a maximum of \$400 received for the calendar year immediately preceding the calendar year of their

retirement, included as earnable compensation. Firemen represented by Local 215 IAFF and retiring on a service retirement allowance on or after January 1, 2006 shall have EMT II premium pay, if any, up to a maximum of \$1000 received for the calendar year immediately preceding the calendar year of their retirement, included as earnable compensation. Members who are employees of the school board represented by Local 950, Operating Engineers International Union, who retire on or after March 4, 1990, shall have site differential pay if received on or after March 4, 1990, included as earnable compensation. Earnable compensation for any one year of creditable service shall not exceed \$150,000. If for any calendar year after 1994 the excess of \$150,000 increased by the cost of living adjustment prescribed by section 415(d), Internal Revenue Code, on a base period of the last quarter of calendar year 1993 exceeds \$150,000 by an amount in excess of \$10,000, the maximum for any subsequent calendar year shall be increased by the amount of the excess rounded to the next lowest multiple of \$10,000. Earnable compensation for any calendar year commencing on or after January 1, 2002 shall not exceed \$200,000, as adjusted for cost of living increases in accordance with section 401(a)(17)(B) of the Internal Revenue Code. Earnable compensation means compensation during the calendar year or such other consecutive 12-month period over which earnable compensation is otherwise determined by the retirement system (the determination period). The cost of living adjustment in effect for a calendar year applies to any determination period beginning in such calendar year.

Part 2. Section 36-04-1-b of the charter is amended to read:

#### **36-04. Creditable Service.**

##### **1. SERVICE CREDITED.**

b. The board shall allow as creditable service all time during which any employee was absent due to service in the military, air or naval forces or in any defense or compulsory military training programs of the United States of America, and absence during federal hospitalization because of injuries or sickness resulting from such service, provided that such employee was duly excused or granted leave of absence from his services as an employee, and provided further that the period allowed for such service shall begin with the date the employee was excused or granted leave of absence, and shall extend until a date of not more than 90 days after his discharge from military, air or naval service or immediately related federal hospitalization incurred as a result of such service. No absence allowed for such service under the provisions of this paragraph shall be considered as absences under the provisions of s. 36-03-5. ~~[[Upon the retirement of such member under the provisions of this act, he shall be credited with the periods of his military service by city contribution with the same result as though the member and the city during such military service made the required contributions.]]>>~~City, city agency and member contributions shall continue to be made during periods of absence as though the employee had continued to work the full working time for the employee's position during the periods of such absence.<<

Part 3. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within 60 days a referendum petition is filed as provided in s. 66.0101(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

Employees' Retirement System

LRB07186-1

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4/5/2007